1891. Interference. No. 14,846. Albert K. Keller = <u>vs</u> = Henry Hoeschen Thomas Committee dames E. Cilliland Ma.
Hovert K. Keller. Coin Operated Phonograph.

Mar 26-91. 1891. ATTORNEYS. a. To Toeller 240. Foctor of Freeman, This Ewing for bite Tho. Eving for alty for assu asso Vimon M. Dorsay locte Compagion + Congration,

(2-070.) INDEX. INTERFERENCE. No. 14. 846. Thouselun gngton v Gillilana Meller SUBJECT-MATTER: Coin Chirated Phonograph.

1 100.21-91 Dellaration Culin-hearing fan 2 10 cc 20 "Motion Villeland & Keller to dissolve to suspend proceeding "Letter Atransmittal Frequest for Expart Stipulation to Extend times for filing Statements tement of Hourschen equest of the J. Existor Luspension o Voeller extending & d his Platines ". Motionby Me eet for taking te

Inti. 14.846 raper No. Commisten to organiston Gilliland Meller Letter to 6 om = missioner Du. 27-90. See nistractions of Commo, in Case 200, 14.847 paper 20.3,

120.0

UNITED STATES PATENT OFFICE,
Washington, D.C. December 27, 1890.

Hon. C.E.Mitchell.

Commissioner of Patents.

Sir:-

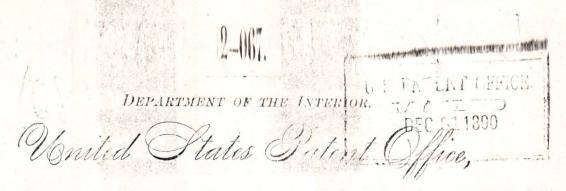
I beg leave to call your attention to a series of interferences, in each of which a motion has been made on behalf of one
of the parties, to wit: Gilliland & Keller, that the interference
be dissolved, on the ground that all of the claims in the application of said party have been included in the interference by the
primary examiner, whereas the said party contends that some, at
least, of said claims ought not to be included. Accompanying said
motions is a letter from their attorney, in which it is stated
that "notice is made and a hearing asked ex parte, and it is sub"mitted that the opposing parties to each of the above interfer"ences are not entitled to notice of these motions, the same relat
"ing only to questions in issue between the Patent Office and
"Gilliland & Keller".

It may not be that this is "such irregularity in declaring the same as will preclude a proper determination of the question of priority", but it would seem to be one that the party in all justice would be entitled to have corrected, and if such motions should not be transmitted to the primary examiner prior to the approval of statements, it might deprive the parties of their rights

under Rules 105 and 106. Under the well known practice of the office motions properly brought under Rule 122 are not transmitted to the primary examiner prior to the approval of preliminary statements, unless it shall be apparent upon the face of the record that a decision on the motion would be binding upon all of the parties. This does not seem to be such a case. As there is no express provision in the Rules for a case of this kind, the examiner of interferences respectfully calls your attention hereto and requests that he may be instructed as to what action he should take in the premises.

Examiner of Interferences.

M.A.M.



Washington, D. C. December 30th, 1890.

IN RE INTERFERENCE

Hoeschen v. Conyington & Conyington No.14,846.

Gilliland & Keller.

Coin Operated Phonograph.

Gilliland & Keller, Care Alfred W. Kiddle, No. 38 Park Row, N. Y. City

Your motion for dissolution was received and filed on Dec. 20th, instant, as was also your letter accompanying the same in which you ask for an exparte hearing upon said motion. As such motion did not seem to comply with the Rules of Practice, the examiner of interferences referred the matter to the Com'r of Patents, and asked to be instructed in the premises, which fact explains the delay in taking action thereon. On December 29th, instant, the Commissioner determined the matter as follows:

"There is an appearance of equity in the contention of the applicants that a hearing should be had ex parte, but such a hearing cannot be given without a violation of the rule providing for notice in contested cases. And, besides, I am of opinion that the considerations based upon the desirability of avoiding all unnecessary delays in interference proceedings are weightier than those derivable from the considerations suggested by the examiner of interferences. If there

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The motion is therefore dismissed from further consideration

by the examiner of interferences.

Examiner of Interferences.

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Ale 51-90

14846 Keller us Hoeschen VS.
Conyngton & Conyngton
Gilliand & Reller
STATEMENT OF Hoeschen Filed Jarry 31, 1891. Approved fight 1, 1891.

> Raymond R. Wile Research Library

Case F. No. 14,846.

PRELIMINARY STATEMENT.

1 H.R. 4. J. Conyngton 2 HR + J Conyngton J. F. Gilliland & A.K. Keller A. Hoeschen

Interference in the United States
Patent Office.

Preliminary Statement of Henry Hoeschen.

Henry Hoeschen, Of Omaha, in the County of Douglas, and State of Nebraska, being duly sworn, doth depose and say that he is a party to the interference declared by the Commissioner of Patents November 14th, 1890, between Henry Hoeschen's application for letters patent filed November 3rd, 1890, Serial Number 370,128, for Coin controlled Phonograph Service and the application of H. R. and T. Conyngton of Galveston, Texas, for Coin Operated Phonograph, and the later application of the said Conyngtons for the same entitled invention, and the application of J. F. Gilliland of Adrian, Michigan, and A. K. Keller of New York, New York, for Automatic Attachment for Phonograph's, that he conceived the invention set forth in the declaration of interference on or about the 12th, day of Spetember, 1890, that no drawings of the invention in issue have been made, that on or about the 12th, day of September, 1890, he first explained the invention to others, that no model showing such invention was made, that he embodied his invention in a full sized machine, which was completed about the 15th, day of September 1890, and that on the Fifteenth day of Estambor 1890

the said machine was successfully operated in the office of the Nebraska Phonograph Company in the New York Life Insurance Company's Building in the City of Omaha, County of Douglas, and State of Nebraska, and that he has since continued to use the same, and that he has manufactured others for use and sale.

Hinry Hoeschers

Subscribed in my presence and sworn to before me this

20th day of December 1890.

. . .

Notary Public.

Intr. No. 1484 6 Paper No. 12.

Horeschen vo

Conyington and
Conyington vo

Gilliland Weller,

Case F;

Acknowledgment of receipt of
statement of Toverchen,

Jany 31 of 1891.

Duplicate! (2-064a.)"The Commissioner of Patents, Washington, D. C." DEPARTMENT OF THE INTERIOR, Vonited States Satent Office, Washington, D. January 31 1891. In the matter of the Interference of Horschen vi Conjugtor Before the Examiner of Interferences. and Congregion vs Gilliland and Korller Case of SIR: You are hereby informed that the preliminary statement of Henry Horschen been received and filed. By direction of the Commissioner: Very respectfully, Timperdumpe Heury Horschen W. Retter . Cety.

Weommunications should be addressed to
"The Commissioner of Patents,
"Washington, D. C.

DEPARTMENT OF THE INTERIOR,

United States Patent Office,

Washington, D. C. Mar, 14, 1891

EXAMINER OF INTERFERENCES.

An interference is found to exist between the following cases, and in respect to the invention therein specified, to wit:

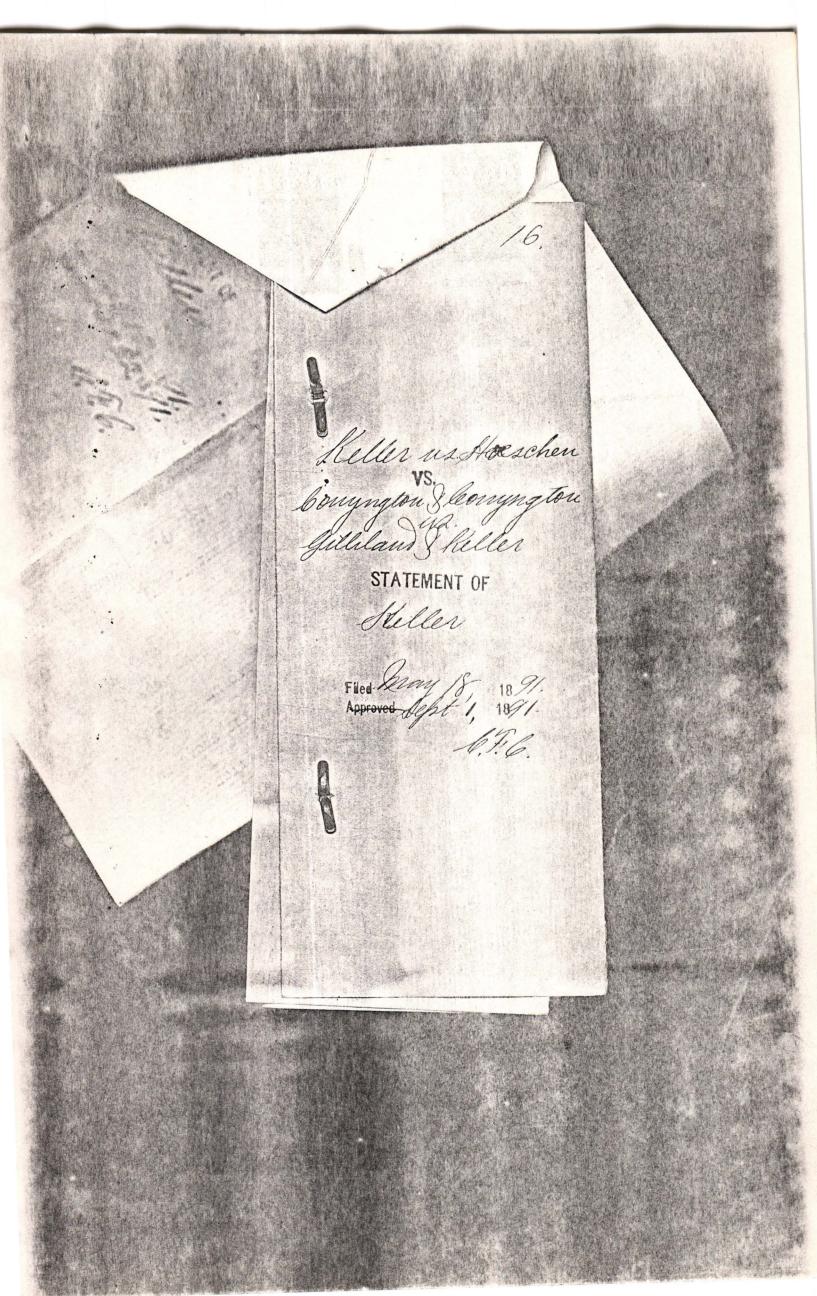
CASES.

attachments for Operating Phonographes, filed Jaw, 31, 1891; Ser. No. 379, 824, whose attorney is Redding & Riddle of New York Cili and Forter & Arceman, of andhingland, De. automatic Coin-controlled Phonographe Service, filed Nov. 3, 1890; Ser. No. 370, 128, whose attorney is F.W. Ritter, Jr., of Washington, De, 3 HR, & J. Conynglan Of Calvaston Zex for Coin Operated Phonographer Oct, 6, 1890, S.n., 367, 204 whose attorney is J. L. Browne, of Washington, De,

INVENTION

First Just 17, 1890, 5, no, 340,687, whose atlorney is all Kiddle, of new York Cil, 1000 new it Faster & Freeman, of Washington, De as associates.

The resul remains the same as before and covered substantially :claims 34,44,45,47,48,49,51,52,53, 54,55,56, and 57 of Keller's application. claims 3 of Horschinis application. luter application; claims I and 2 : of the Congrigton's carlier applica-Lion; and claims 1 to 33, inclusion, of Gilliland and Keller's ap-W.K. Sughinbaugh, : Simpson 1st assters.



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UNITED STATES PATENT OFFICE.

In the Matter of the Interference declared between the application of ALBERT K. KELLER, Serial No. 379,824 filed January 31, 1891 and other ap-

INTERFERENCE

No. 14,846.

plications.

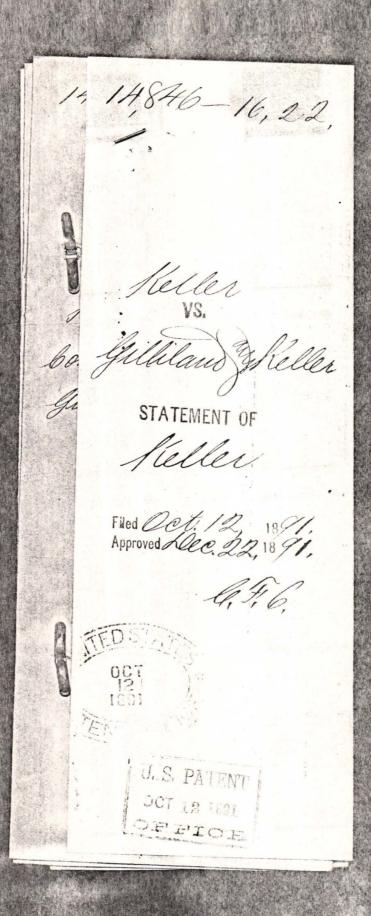
SUBJECT: ATTACHMENTS FOR OPERATING PHONOGRAPHS.

PRELIMINARY STATEMENT OF ALBERT K. KELLER.

ALBERT K. KELLER, being duly sworn deposes and says that he is the applicant in the above named application Serial No. 379,824 and is a party to the above entitled Interference; that he conceived the invention set forth in the declaration of Interference herein in or about the month of July 1887; that he made drawings illustrating said invention in or about the month of July 1887; that he first disclosed said invention to others in or about the same month of July 1887; that he made a full-sized working model or operating machine which embodied said invention in or about the month of November 1887 which was successfully used.

albert . R. Killer.

Subscribed and sworn to before me this / 6 day of May 1891. leharte grande Moran Freblie Grand G



Raymond R. Wile Research Library United States Patent Office.

In the matter of the Interference declared between the application of Albert K. Keller, Serial No. 379,824 filed January 31, 1891 and other applications.

Interference

Subject: Attachments for Operating Phonographs.

Amended Preliminary Statement of Albert K. Keller.

Albert K. Keller, being duly sworn deposes and says that he is the applicant in the above named application Serial No. 379,824 and is a party to the above entitled Interference, and that he conceived the invention set forth in the declaration of Interference herein in or about the month of July 1887; that he made drawings illustrating said invention in or about the month of July 1887; that he first disclosed said invention to others in or about the same month of July 1887; that he made a full-sized operating machine which embodied said invention in or about the month of November 1887 which was successfully used; that machines embodying said invention were manufactured under his direction in or about the month of November 1889; which were successfully used and operated and that from that date to , the present time the work of manufacturing and introducing throughout the United States machines embodying the said invention has been prosecuted vigorously and continuously albert. K. Keller with his cooperation.

Subscribed and sworn to before me

LED WILL TO

this 10th day of October 1891.

Paul Forham

13 Vo., N. I.

Raymond R. Wile Research Library

Memmanduw: In relation to amend Ed preliminary statements filed by le, it telley in Thinispetotory Phone Graph Interferences on the 13th of Oct, Inferences 14846 + 14848 The consents of all the farties to These cases were obtained to the filing of The new statement The written consents of tring filed Thereinth on Olet 13, 189! Luce that date no new parties have free aldes 10 It therefore is requested that the Office 13 accept the statements so filed, of if myrque 14 by filed, grant purission for them to be 15 thishuly Isled ! Interferences 14847+15-098 18 Thetwiller consents of all the faites preliminary statements on Oct 13, 1891. Owing probably to a confusion in The Paleul Officifi When the recept of These was not acknowledge and on Mor. 2, 1891 the interferences rome to declared with new parties, The affice is Therefore required to accept There statement, much Johnsteines 15092 15095 15096, 15097, and 15099. In These cases The precining statement 30 wire the accompanied by of suitable 31 motion accompanied by an affidant as con parties to the filing of

I statements could not be obtained The successfeulty 19 27 28 Raymond R. Wile

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